UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANKIE LIPSETT,

                        Plaintiff,

        - against -

BANCO POPULAR NORTH AMERICA (d/b/a
POPULAR COMMUNITY BANK,

                        Defendant.

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22 Civ. 3901 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On May 13, 2022, Plaintiff Frankie Lipsett filed a Complaint in this action. ("Complaint," Dkt. No. 1.) On September 8, 2022, Defendant Banco Popular N.A. ("BPNA") filed a Motion to Compel Arbitration. ("Motion," Dkt. No. 20.) On December 9, 2022, the Court denied BPNA's Motion. ("Decision and Order," Dkt. No. 26.) On December 22, 2022, BNPA filed its Notice of Interlocutory Appeal of the Court's December 9, 2022, Decision and Order (Dkt. No. 27) and, pursuant to the Court's Individual Rules of Practice, filed a pre-motion letter stating grounds justifying a stay of the action pending BPNA's appeal to the Second Circuit.[1] (Dkt. No. 29.) Although initially opposing the grounds for a stay, after meeting and conferring with BPNA, Lipsett withdrew his

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[1] BPNA also filed a pre-motion letter stating grounds justifying a motion to dismiss the action, primarily based on Lipsett's failure to serve BPNA. (Dkt. No. 30.) BPNA has since waived service, rendering that issue moot. (See Dkt. No. 32.)

opposition and joined BPNA in the request for the stay to allow the parties to "focus their efforts on the appeal." (Dkt. No. 32.)

Accordingly, it is hereby

ORDERED that all proceedings in this matter are **STAYED** pending the appeal by Defendant, Banco Popular N.A. ("BPNA"), of the Court's Order denying BPNA's Motion to Compel Arbitration; and it is further

ORDERED that BPNA's response to the Complaint, if any, shall be due forty-five (45) days after the issuance of the mandate on appeal. The Clerk is directed to terminate all pending motions and deadlines.

SO ORDERED.

Dated: 9 January 2023
          New York, New York

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          Victor Marrero
          U.S.D.J.